

GENERAL ORDINANCE NO. 5, 2014

AN ORDINANCE AMENDING CHAPTER 8, TRAFFIC CONTROL PROVISIONS OF THE *TERRE HAUTE CITY CODE*.

WHEREAS, the Judicial Technology and Automation Committee (JTAC) at the directive of the Indiana Supreme Court and Indiana Judicial Branch Division of State Court Administration has been tasked with equipping all Indiana courts with a 21st century case management system (CMS) that can connect more than 400 Indiana court systems serving 92 counties; and

WHEREAS, the State of Indiana has recommended all Indiana courts to implement the *Odyssey* case management system. *Odyssey* makes court information available to users regarding case status, fee assessment and collection, contact notes, etc. *Odyssey* permits courts and clerks to manage caseloads more quickly and cost effectively; information is more accurate and timely; information is available on the Internet limiting the number of calls or visits to the clerk; trial courts costs are reduced; and there is more efficient monitoring of defendants; and

WHEREAS, the Terre Haute City Clerk's Office followed JTAC's recommendation and implemented *Odyssey* on August 29, 2011; and

WHEREAS, JTAC has instructed Indiana jurisdictions that it will not permit "OE" (Ordinance Violations) to be entered in the *Odyssey* CMS; and

WHEREAS, parking tickets issued by the City of Terre Haute are currently identified as "OE" Ordinance Violation Bureau cases; and

WHEREAS, the Terre Haute City Clerk's Office does not have the software to manage the parking ticket citations; and

WHEREAS, the Terre Haute Police Department has the ability to purchase the parking ticket management software and to manage parking ticket citations, payments, and collections.

THEREFORE, it is necessary to amend the *Terre Haute City Code* to permit payments to be made at the Terre Haute Police Department rather than at the Terre Haute City Clerk's Office.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute that:

SECTION 1. *Terre Haute City Code*, Chapter 8, Section 2-143, is hereby amended by deletion of the stricken text as follows:

Sec. 2-143 Schedule of *Code* Provisions and Penalties.

a. The following *Code* provisions and respective civil penalties are designed for enforcement through the Ordinance Violations Bureau: (Special Ord. No. 84, 1994, § 1, (142.04), 12-8-94)

CHART OF VIOLATIONS AND PENALTIES

<i>TERRE HAUTE CITY CODE §</i>	SUBJECT MATTER	CIVIL PENALTIES	FIRST OFFENSE
8-110	Parking	\$10.00 (\$15.00 if unpaid within 5 business days)	(Gen. Ord. No. 16, 2000, 9-14-00)

...

SECTION 2 *Terre Haute City Code*, Chapter 2, Section 2-118, is hereby amended by insertion of the underlined text as follows:

Sec. 2-118 Police Continuing Education Fund.

a. There is established a fund known as the Law Enforcement Continuing Education Fund for the purpose of purchases made by the Terre Haute City Police Department for equipment, supplies, continuing education, and law enforcement training for the Police Department.

b. This fund shall be comprised of fees collected by the Terre Haute City Police Department from the following activities:

1. Vehicle inspections;
2. Accident reports;
3. Hand gun licenses and transfer; and
4. Law Enforcement Education (LEE) fees from city court cases. (Gen. Ord. No. 2, 1996, 8-8-96)
5. Moped Registration Fees. See Sec. 8-101. (Gen. Ord. No. 9, 2011, 6-9-11)
6. Tow Release Fees. See Sec. 6-184 (Gen. Ord. No. 2, 2012)
7. Fine(s) resulting from violation(s) of Chapter 4, Article 23, Non-consensual tow business. (Gen. Ord. 22, 2012; 1-10-13)
8. Parking ticket fees. See: Sec. 8-110. (Gen. Ord. No. 5, 2014)

SECTION 3 *Terre Haute City Code*, Chapter 8, Section 8-110, is hereby amended by

insertion of the underlined text and deletion of the stricken text as follows:

Sec. 8-110 Penalty - Parking Violation.

a. Any person who receives a traffic violation notice, either delivered personally by a police officer or by means of attachment to his motor vehicle, for violation of any of the provisions of the parking provisions of this Chapter, may, within five (5) business days after receiving such notice, report to the ~~City Clerk's Office~~ Terre Haute Police Department and pay the sum of Ten Dollars (\$10.00) as penalty for and in full satisfaction of such traffic violation. The failure of any person to make such payment within five (5) business days shall render such person subject to the penalty in the amount of Fifteen Dollars (\$15.00). (Gen. Ord. No. 16, 2000, 9-14-00)

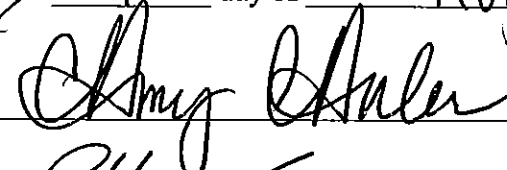
- a. Whenever an authorized member of the Terre Haute Police Department has knowledge that a person has failed to satisfy five (5) or more parking citations owed to the City of Terre Haute, and whenever the authorized member of the Terre Haute Police Department finds any vehicle registered in the name of the person upon any street, he may order the vehicle impounded.
- b. Within twenty-four (24) hours of impoundment of the vehicle, Terre Haute Police Department shall notify the registered owner of the vehicle, utilizing the address provided by the Bureau of Motor Vehicles, in writing of such impoundment. Such notice shall include the following information:
- (1) the registered owner of the vehicle has five (5) or more unpaid parking citations owed to the City of Terre Haute; and
 - (2) the date, time, and location from which the vehicle was towed; and,
 - (3) the name, address, and telephone number of the impoundment lot to which the vehicle was towed; and,
 - (4) all unpaid parking citations owed must be paid at the Terre Haute ~~City Clerk's Office~~ Police Department and the receipt for such payment be provided to the ~~Terre Haute Police Department~~; and
 - (5) upon sufficient proof of payment of unpaid parking citations, the Terre Haute Police Department shall authorize release of said impounded vehicle; and
 - (6) registered vehicle owner is solely responsible for all towing and impoundment charges. (Gen. Ord. No. 13, 2010, 8-12-10)

SECTION 4 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, this Ordinance shall take effect and the same shall be in full force and effect from and after its passage on October 1, 2014, by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by:  George Azar, Councilman

Passed in open Council this 14th day of August, 2014.

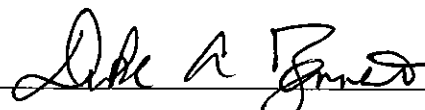
 Amy Auler, President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 15th day of August, 2014.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 15th day of August, 2014.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk

MEMO

FROM: Chuck Hanley, City Clerk
Chief John Plasse

TO: City Council Members
Mayor Bennett
Chou-il Lee, City Attorney

DATE: July 18, 2014

RE: General Ordinance 5, 2014

The Police Chief, John Plasse, and the City Clerk, Chuck Hanley, are asking the Council to amend the City Code concerning Parking Violations. Currently, the Terre Haute City Code contains sections regulating Ordinance Violations. Some of the Ordinance Violations listed in the City Code require the defendant to appear in the Terre Haute City Court. The remaining Ordinance Violations are part of the Ordinance Violations Bureau (VB) and the defendant may pay the fee associated with the violation in the City Clerk's Office. Parking violations are part of the VB section.

The City Clerk's Office court software, Odyssey, is administered by the State of Indiana's Judicial Technology and Automation Committee (JTAC) through the State Court Administration. After changes by the State Court Administration in case assignment, it was announced that VB type cases should not be recorded as court cases. A sunset date has not been announced but the City Clerk's Office has been told it will happen soon.

With this upcoming change, new software will be needed to record parking violations and payments. After many discussions with the Legal Department and Chief Plasse, it was suggested the Police Department process the payments as they are the department authorized to issue them. Allowing one department to issue, record and maintain parking violations along with payments, will make the overall process more effective and efficient.

There should be little impact on the defendants. A large majority of the parking violation payments currently processed by the City Clerk's Office are received through the mail. New envelopes will be printed with the Police Department's address listed to prevent confusion. The Police Chief is reviewing other options to help the defendant submit payment easily, such as credit card processing through a website.

Before the Council in August will be General Ordinance 5, this ordinance will:

- #1. Amend the City Code to allow the Police Department to process parking violation payments. In addition, the Police Department will review overdue parking violations.
- #2. Transfer the funds collected for parking violations to the Police Department N/R Training Fund. This will allow them to budget funds to pay the fees associated with the new software and equipment needed.

PLEASE NOTE: The fees for parking violations are not increasing.